



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 15, 2005

Malon L Cowgill
41602 S 2100 PRSE
Kennewick WA 99337-6911

Re: Emergency Drought Authorization No. G4-35025

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology (Ecology) has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, Kennewick Irrigation District (KID) is prepared to deliver 3.5 acre feet of water per acre. The Washington Irrigation Guide states that pasture/turf in the Kennewick area requires 40.66 inches (3.4 acre-feet per acre) of water. 80% of 3.4 acre-feet is 2.7 acre-feet. KID is expected to deliver approximately 1.8 acre-feet of water. This authorization will allow an additional 0.9 acre-foot of water per acre (2.7 less 1.8 acre-feet).

This authorization is subject to the following limitations and provisions:

This authorization is for an existing well (well to be bored out for 10 or 12-inch diameter casing and refitted with a 15 horsepower pump) located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 8 N., R. 30 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 200 gallons per minute based upon the instantaneous quantity requested by the applicant.

A total of 14.8 acre-feet of water is authorized under this emergency authorization for the supplemental irrigation of 16.4 acres.

FILE COPY



The place of use is described as follows:

Parcel No. 128801000005001

The E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 8 N., R. 30 E.W.M., Benton County, WA.

The proposed well shall be constructed to meet minimum standards and comply with the following:

- 1) To develop the well into the alluvial (unconsolidated sediments), the well must comply with the following construction requirements and restrictions:

- (a) The well must terminate at or above the first occurrence of solid basalt which is believed to corresponding to the Pomona flow of the Saddle Mountains Formation. At the existing well location the first solid basalt is estimated to occur at approximately 70 feet below the ground surface.
- (b) Installation of an airline and an access port for water level measurement is required.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

- 2) To develop a well in the Saddle Mountains Aquifer, the well must comply with the following construction requirements and restrictions:
 - (a) Unperforated casing shall be set or placed (not driven) twenty (20) feet into the top of the first occurrence of solid basalt which is believed to correspond to the Pomona flow of the Saddle Mountains Formation. At the existing well location the first solid basalt is estimated to occur at approximately 70 feet below the ground surface.
 - (b) The well casing annulus shall be sealed into the top of the Pomona with a neat cement or neat cement grout. The sealing material shall be placed in the annulus by pumping to seal the entire annulus from the bottom of the casing to the land surface.
 - (c) The well annulus shall be at least four (4) inches greater in diameter than the permanent casing.
 - (d) The well depth shall terminate at or above a depth corresponding to the top of the Priest Rapids Member of the Wanapum Formation, the depth to this formation may occur at an approximate depth of 450 feet below the ground surface. However, due to the uncertainty of the basalt stratigraphy in this area, chip sample collection as outlined below is required.
 - (e) Installation of an airline and an access port for water level measurement is required.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

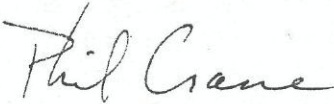
Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,



for Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

RFB:MD:gg
050630

Enclosures: Flow Meter Requirements
Your Right To Be Heard

cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation
Curt Hart, Water Resources Program, HQ

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The applicant shall require the driller to collect and retain drill cuttings for Ecology to submit for laboratory analysis as follows:

The driller shall collect and retain basalt chip samples starting with the first basalt encountered and every 20 feet thereafter and at significant changes in lithology. The depth each sample is taken from shall be recorded with the sample. Gross sample size should be large enough to provide a net minimum of sixteen (16) ounces of dry, clean, washed basalt chips from each sample. Staff from Ecology will pick up the samples during and/or at the conclusion of drilling and may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton (509) 454-7887 or Ron Dixon (509) 454-7897 at the Department of Ecology, Yakima, Washington, to go over any questions and arrange for site access and chip sample collection by Ecology staff.

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency authorization will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.